

REMARKS

The above amendment to claim 12 and 19 has been made by way of clarification and not made to overcome any prior art of which the Applicants are aware, or that has been cited in the present Office Action. Reconsideration of the claims is earnestly requested in view of the remarks set out below.

Rejection under 35 U.S.C. §102(a and e)

Claims 1-17, 19 and 20 stand rejected under 35 U.S.C. §102(a and e) as being anticipated by US Patent No. 6,094,644 (hereinafter Hillson). This rejection is respectfully traversed.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Rejection of claims 1- 8.

Claim 1 relates to a "system for accessing an electronic network with an electronic terminal via a service provider, said electronic terminal having an associated identifier, said system comprising:

an access station, wherein said electronic terminal initially links with said access station via a **first communication** link and wherein said identifier associated with said electronic terminal is transmitted to said access station, wherein said access station establishes an account based upon said identifier and transmits connection information back to said electronic terminal **for use in establishing a second communications link** between said electronic terminal and said service provider, wherein a **second communications link is initiated between said electronic terminal**

and said service provider based upon said connection information, and wherein said service provider monitors a time of said second communications link and transmits data indicative of said time to said access station."

Thus, claim 1 of the present invention includes an electronic terminal that initially links to an access station via a first communication link. The access station then establishes an account based on an identifier from the electronic terminal and then **transmits connection information back to said electronic terminal for use in establishing a second communication link between said electronic terminal and said service provider.** The second communication link is based on the **connection information received from the access station and the service provider monitors a time of said second communications link and transmits data indicative of the time to the access station.** Clearly these features are not described or even suggested in Hillson.

The apparatus in Hillson "allows users to pay for services rendered, using a smart card or electronic purse or a credit card. In addition, the user may pay for a voice call and may also simultaneously pay for a multimedia service such as electronic mail, Internet browsing or a one time purchase from an electronic mall. Effectively, the terminal reacts to user actions by automatically adjusting a smart card debit value or decrementing a certain amount per minute based on the user's specific actions and any associated rates." (Col 4, lines 49-58). An established internet communication link is then used.

Hillson does not describe or even suggest a system where a first communication link is established with an access station that provides connection information to the electronic terminal to establish the second communication link. Thus, the feature of claim 1 wherein "said access station establishes an account based upon said identifier and **transmits connection information back to said electronic terminal for use in establishing a second communications link between said electronic terminal and said service provider,** wherein a second communications link is initiated between said

“electronic terminal and said service provider based upon said connection information” is not described or even suggested in Hillson.

Thus, unlike the present invention that describes a method and system for an electronic terminal **to obtain connection from an access station** to establish a connection to a service provider, the kiosk terminal in Hillson is already connected to the service provider by an internet gateway interface 44 as shown in Figure 3.

Further, claim 1 include the feature in which “**said service provider monitors a time** of said second communications link and **transmits data indicative of said time to said access station**”.

In Hillson, the usage timer is located in the terminal itself “which directs the processor to start a timer for cumulatively recording the time during which the corresponding service is in operation” (Col 12, lines 26-28). Further, Hillson does not describe functionality wherein the data indicative of said time is transmitted to an access station.

In view of the above, it is submitted that Hillson does not disclose each and every limitation of Claim 1, as required to support a rejection of this claim under 35 U.S.C. § 102(a and e). Accordingly Claim 1 is allowable. Claims 2-8 are dependent upon Claim 1, which is allowable, and are thus also allowable.

Rejection of Claims 9-11

Claim 9, as amended, includes the feature of wherein “**said service provider monitors a number of time units associated with said established link**”. Hillson monitors time units using a series of timers that are located at the kiosk and not at the ISP.

In view of the above, it is evident that Hillson does not disclose each and every limitation of Claim 9, as required to support a rejection of this claim under 35 U.S.C. § 102(a and e). According Claim 9 is allowable. Claims 10-11 are dependent upon Claim 9, which is allowable, and are thus also allowable.

Rejection of Claims 12-18

Claim 12 relates to a “method of accessing the Internet with an electronic terminal and via an Internet service provider, said electronic terminal having an associated identifier, said method comprising:

initially linking said electronic terminal with an access station via a first communications link;

establishing an account at said access station corresponding to said electronic terminal;

transmitting from said access station to said electronic terminal ISP connection information pertaining to said ISP;

using said connection information to link said electronic terminal with said Internet service provider via a second communications link;

monitoring time units associated with said second communications link;

multiplying said time units by a monetary rate to thereby obtain billing data; and

associating said billing data with said established account for billing purposes.”

As mentioned above with respect to claim 1, Hillson does not describe or even suggest a system where a first communication link is established with an access station that provides connection information to the electronic terminal **to establish** the second communication link. Further, unlike the present invention that describes a method for an electronic terminal to obtain “**ISP connection information pertaining to said ISP**” **from the access station** and “**using said connection information to link said electronic**

terminal with said Internet service provider via a second communications link", the kiosk terminal in Hillson is already connected to the service provider by an internet gateway interface 44 as shown in Figure 3.

In view of the above, it is evident that Hillson does not disclose each and every limitation of Claim 12, as required to support a rejection of this claim under 35 U.S.C. § 102(a and e). According Claim 12 is allowable. Claims 13-18 are dependent upon Claim 12, which is allowable, and are thus also allowable.

Rejection of claims 19 and 20.

Claim 19 relates to a "method of accessing the Internet with an electronic terminal and via an Internet service provider, said electronic terminal having an associated identifier, said method comprising:

initially linking said electronic terminal with an access station via a first communications link;

establishing an account at said access station corresponding to said electronic terminal;

transmitting from said access station to said electronic terminal ISP connection information pertaining to said ISP;

using said connection information to link said electronic terminal with said Internet service provider via a second communications link; and

associating billing data with said established account for billing purposes."

As mentioned above, Hillson does not describe or even suggest a system where a first communication link is established with an access station that provides **ISP connection information to the electronic terminal to establish the second communication link to the ISP.**

In view of the above, it is evident that Hillson does not disclose each and every limitation of Claim 19, as required to support a rejection of this claim under 35 U.S.C. § 102(a and e). According Claim 19 is allowable. Claim 20 is dependent upon Claim 19, which is allowable, and is thus also allowable.

Rejection under 35 U.S.C. §103(a)

Claims 1-17, 19 and 20 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 5,845,267 (hereinafter Ronen) in view of US Patent No. 6,094,644 (hereinafter Hillson). This rejection is also respectfully traversed.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Rejection of claims 1-18.

Claim 1 of the present invention includes the feature in which "said service provider monitors a time of said second communications link and transmits data indicative of said time to said access station." Likewise claim 9 includes the feature in which "said electronic service provider monitors a number of time units associated with said established link and transmits data indicative of said time units to said

access station.” Claim 12, as amended, includes the feature of “**monitoring time units associated with said second communications link at the ISP.**”

These features are not described in Ronen or Hillson. In Ronen credit approval is obtained for charges for goods and services but does not mention monitoring time of a communication link and transmitting data indicative of time to an access station (Col 5, lines 20-28). In Hillson, the usage timer is located in the terminal itself “which directs the processor to start a timer for cumulatively recording the time during which the corresponding service is in operation” (Col 12, lines 26-28). Further, Hillson does not describe the functionality of the transmission of the data indicative of said time to an access station.

From the above, it is evident that the features of claims 1, 9 and 12 wherein the **service provider monitors a time or time unit of a second communications link or a service provider transmitting the data indicative of said time to said access station** are not disclosed in Ronen or Hillson.

Accordingly, as the prior art references when combined do not teach or suggest all the limitations of claim 1, 9 and 12, claims 1, 9 and 12 are allowable. Claims 2-8, 10-11 and 13-18 are dependent upon claim 1, 9 and 12 respectively, which are allowable, and are thus also allowable.

Rejection of claims 19 and 20.

Claim 19 includes the limitations of “**establishing an account at said access station corresponding to said electronic terminal**” and “**associating billing data with said established account at said ISP for billing purposes**”. These limitations are also not disclosed in Ronen which relates to purchasing goods or services via the internet, or

Hillson which uses timers to determine actual time used at a kiosk to a pre-established Internet connection.

Accordingly, as the prior art references when combined do not teach or suggest all the limitations of claim 19, claim 19 is allowable. Claim 20 is dependent upon claim 19, which is allowable, and is thus also allowable.

From at least the foregoing reasons, it is respectfully submitted that claims 1-20, as amended are both novel and non-obvious in the light of Ronen and Hillson and allowance of the claims is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,
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